

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - ZON-13896 - APPLICANT: DON AHERN -
OWNER: DFA, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 15, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-13904) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate 15 feet of right-of-way for a total half-street width of 50 feet on Bonanza Road, 10 feet of right-of-way for a total half-street width of 50 feet on Martin L. King Boulevard, and dedicate an additional 24 feet of right-of-way for a total radius of 54 feet on the southwest corner of Martin L. King Boulevard and Bonanza Road prior to the issuance of any permits.
4. Prior to the issuance of any permits, dedicate an additional 15 feet of right-of-way for exclusive right and dual left turns on Bonanza Road per Clark County Area Standard Drawing 201.1, an additional 5 feet of right-of-way for dual left turns on Martin L. King Boulevard per Clark County Area Standard Drawing 201.1, and dedicate right-of-way on Martin L. King Boulevard for a bus turnout per Standard Drawing 234.1 or 234.3 and grant the pad easement per Standard Drawing 234.2, unless specifically noted as not required in an approved Traffic Impact Analysis.
5. Coordinate all improvements along Martin L. King Boulevard with the City Engineer to determine appropriate improvements required in conjunction with the Martin Luther King Boulevard widening project. Alternatively, if allowed by the City Engineer, this site may participate in the Martin Luther King Boulevard public improvement project.

6. Construct all incomplete half-street improvements on Bonanza Road and Martin L. King Boulevard adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
8. Landscape and maintain all unimproved rights-of-way, if any, on Bonanza Road and Martin L. King Boulevard adjacent to this site.
9. Submit an Encroachment Agreement for all landscaping, if any, located in the Bonanza Road and Martin L. King Boulevard public rights-of-way adjacent to this site prior to occupancy of this site.
10. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the public right-of-way adjacent to this site prior to the issuance of any permits.
11. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
12. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from R-E (Residence Estates) to C-2 (General Commercial) on 2.61 acres on the southwest corner of Bonanza Road and Martin L. King Boulevard.

EXECUTIVE SUMMARY

The area in which the subject property is located is largely commercial and is slated for this type of development based on the Downtown Redevelopment Plan. In order to bring this property into compliance with the surrounding area, Staff recommends approval of this request for a Rezoning from R-E (Residence Estates) to C-2 (General Commercial).

BACKGROUND INFORMATION

A) Related Actions

10/05/06 The Planning Commission recommended approval of companion items VAR-13900, SUP-13903 and SDR-13904 and denial of SUP-13902 concurrently with this application

The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/ng).

B) Pre-Application Meeting

05/15/06 A pre-application meeting with the applicant was held and the following items were discussed:

- Staff informed the applicant of the submittal requirements for a Rezoning application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.61

B) Existing Land Use

Subject Property: Parking
North: Mini-Mart
South: U.S. 95
East: Sears Service Center
West: Rental Shop; Warehouse

C) Planned Land Use

Subject Property: Commercial (Downtown Redevelopment Plan)
North: SC (Service Commercial); M (Medium Density Residential)
South: U.S. 95 ROW
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: R-E (Residence Estates); C-2 (General Commercial)
North: C-1 (Limited Commercial); R-E (Residence Estates)
South: U.S. 95 ROW
East: M (Industrial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property has a land use designation of Commercial based on the Downtown Redevelopment Plan. If the proposed rezoning to C-2 (General Commercial) is approved, the zoning and the land use designation will be compatible as they both allow for intense commercial (office, retail, etc.) development.

| <i>SPECIAL DISTRICTS/ZONES</i> | Yes | No |
|---|------------|-----------|
| Special Area Plan | X | |
| Redevelopment Plan Area | X | |
| West Las Vegas | X | |
| Special Overlay District | X | |
| Airport Overlay District | X | |
| Trails | X | |
| Pioneer | X | |
| Rural Preservation Overlay District | | X |
| County/North Las Vegas/HOA Notification | | X |
| Development Impact Notification Assessment | | X |
| Project of Regional Significance | | X |

Redevelopment Plan Area

No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to assistance in redevelopment.

West Las Vegas

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The proposed development, at 246 feet, exceeds this height. However, a Special Use Permit (SUP-13903) has been submitted to allow relief from this requirement.

Pioneer Trail

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

| Standards | Required | Provided | Compliance |
|----------------------|-----------------|-----------------------|-------------------|
| Min. Lot Width | 100 Feet | 244 Feet, 1 Inch | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 10 Feet | N |
| • Side | 10 Feet | 10 Feet | Y |
| • Corner | 15 Feet | 10 Feet | N |
| • Rear | 20 Feet | 11 Inches | N |
| Max. Lot Coverage | 50% | 39.2% | Y |
| Max. Building Height | 140 Feet | 246 Feet / 18 Stories | N |

The subject proposal does not meet all applicable development standards. A Variance (VAR-13900) has been submitted for relief from the front, corner side, and rear yard setbacks, and a Special Use Permit (SUP-13903) has been submitted to allow for a 246-foot building in the North Las Vegas Airport Overlay District. These standards are discussed in more detail in those reports.

B) General Analysis and Discussion

The northeast corner of the subject parcel is currently zoned C-2 (General Commercial). Additionally, the property immediately to the west is currently designated C-2 (General Commercial). As such, Staff supports this request as current and future development reflects the characteristics of the requested zone. The only R-E (Residence Estates) zone remaining in the immediate area is across Bonanza and is currently a vacant lot.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The site is designated as Commercial in the Downtown Redevelopment Plan. The proposed zoning is compliance with this designation and with the surrounding area.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

As much of the surrounding property is already zoned for commercial development, this rezoning is consistent and compatible with surrounding land uses and zoning districts.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

This area is designated for commercial development in the Redevelopment Plan, thus indicating that the anticipated form of growth in the area will be of a commercial nature. As such, this zoning change is appropriate and warranted.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

The site is served by West Bonanza Road (a 100-foot primary arterial) and North Martin Luther King Boulevard (a 100-foot primary arterial). These facilities will be adequate to accommodate the proposed development. It should be noted that 10 feet of right-of-way along these roads will be dedicated for widening purposes.

PLANNING COMMISSION ACTION

There were two speakers in favor at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

23

ASSEMBLY DISTRICT

6

SENATE DISTRICT

4

NOTICES MAILED 104 by Planning Department

APPROVALS 1

PROTESTS 1